

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CHARLES AMBAH,

Plaintiff,

Case No. 20-cv-1338-pp

v.

TONI NIMOX,
and LONDON BOWMAN,

Defendants.

**ORDER GRANTING PLAINTIFF'S UNOPPOSED EXPEDITED MOTION TO
REMAND TO STATE COURT (DKT. NO. 24), DENYING AS MOOT
PLAINTIFF'S MOTION FOR LEAVE TO PROCEED WITHOUT PREPAYING
FILING FEE (DKT. NO. 2) AND REMANDING CASE**

On August 13, 2020, the plaintiff filed a small claims eviction complaint in Milwaukee County Circuit Court against Toni Nimox and London Bowman. Dkt. No. 1-2. Defendant Nimox filed a notice of removal on August 31, 2020, asserting that the plaintiff had raised a federal question. Dkt. No. 1. Nimox simultaneously filed a motion for leave to proceed without prepayment of the filing fee. Dkt. No. 2. Defendant Bowman did not join in the notice of removal and has not filed a notice of appearance in this court.

Eight days after Nimox filed the notice of removal, the plaintiff filed an expedited motion to remand the case to the state court. Dkt. No. 4. The plaintiff pointed out that the eviction action does not raise a federal question and expressed concern that the notice of removal had been drafted by an attorney restricted from practice in the Seventh Circuit. Id.

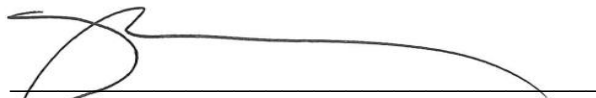
Rather than filing a brief in opposition, Nimox filed a “notice of dismissal under Rule 41 and/or consent to removal back to state court.” Dkt. No. 6. The next day, the plaintiff filed a letter requesting the immediate entry of a remand order because Milwaukee County Circuit Court has scheduled a hearing for September 30, 2020. Dkt. No. 7. The plaintiff has not requested an award of costs or actual expenses incurred as the result of removal. See 28 U.S.C. §1447(c). Based on Nimox’s request to remand and the absence of a federal question, a remand is appropriate in this case.

The court **GRANTS** the plaintiff’s unopposed expedited motion to remand to the Milwaukee County Circuit Court for further proceedings. Dkt. No. 4. The Clerk of Court shall mail the certified copy of the order to the Clerk of the Milwaukee County Circuit Court.

The court **DENIES AS MOOT** defendant Toni Nimox’s motion to proceed without prepayment of the filing fees. Dkt. No. 2.

Dated in Milwaukee, Wisconsin this 17th day of September, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', is written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge